

REMARKS

This Application has been carefully reviewed in light of the Office Action dated April 15, 2005. In order to advance prosecution of the present Application, Claims 1-4 and 14-17 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The specification has been amended to show that the present invention was filed claiming priority to a related provisional application.

Claims 1-3, 13-16, and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Westby. Claim 26 depends from Claim 17, which has been deemed allowable by the Examiner. Independent Claims 1 and 14 recite in general the ability to provide a credit signal to the sender only when all of the buffers have a count with a non-zero value and decrement the count for each buffer in response to the credit signal being provided to the sender. By contrast, the Westby patent provides a counter that identifies a number of frames in a buffer and decrements the counter when a frame is read from the buffer. Thus, the Westby patent does not decrement its counter when a credit signal is sent as provided by the claimed invention. Support for the above recitation can be found at page 10, lines 4-8, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1-3, 13-16, and 26 are not anticipated by the Westby patent.

Claims 12 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Westby. Independent Claim 1, from which Claim 12 depends, and Independent Claim 14, from which Claim 25 depends, has been shown above to be patentably distinct from the Westby patent. Therefore, Applicant respectfully submits that Claims 12 and 25 are patentably distinct from the Westby patent.

Applicant notes with appreciation the allowability of Claims 4-11, 17-24, and 26 if placed into appropriate independent form. Claims 4 and 17 have been amended into independent form as suggested by the Examiner. Therefore, Applicant respectfully submits that Claims 4-11, 17-24, and 26 are in condition for allowance.

With the presentation of two new independent claims, an additional filing fee is due. Attached herewith is a check made payable to the "Commissioner of Patents and Trademarks" in an amount of \$200.00 to satisfy the excess independent claims fee of 37 C.F.R. §1.16(b).

CONCLUSION


Applicant has now made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in dark ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

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